

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LUIS PINET,
Petitioner

v.

UNITED STATES OF AMERICA
Respondent

:
:
:
: CA. NO. 06-234T
:
:
:

GOVERNMENT'S OBJECTION TO PETITIONER'S
MOTION UNDER 28 U.S.C. § 2255

The government objects to petitioners motion under 28 U.S.C. § 2255 in that petitioner failed to file his motion within the one year period as required by the statute.

The statute states:

A 1- year period of limitation shall apply to a motion under this section. The limitation period shall run from the latest of -

- (1) the date on which the judgment of conviction becomes final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action.
- (3) the date on which the right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

Petitioner's sentence on Cr.No. 97-102T became final on June 10, 1998, the date the judgement was entered. (See the first

page of the judgement (attached)). Petitioner filed his motion on or after May 11, 2006, the date he signed the motion. He does not meet any of the exceptions nor has he contended such. The grounds for his motion - that an appeal was not filed - could have readily been discovered within the year following his conviction.

For the foregoing reasons defendant's motion should be denied.

Respectfully submitted,

ROBERT CLARK CORRENTE
United States Attorney

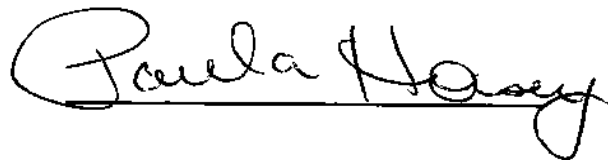


ZECHARIAH CHAFEE
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of June, 2006, I served by first class mail, postage prepaid, a copy of the within Government's Objection to Petitioner's "Motion under 28 U.S.C. § 2255 to the following:

Luis Pinet
Prisoner #04508-070
FCI Ray Brook
128 Ray Brook Road
Ray Brook, NY 12977



United States District Court**District of Rhode Island**

UNITED STATES OF AMERICA

v.

LUIS PINET

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: **1:97CR00102-001****James T. McCormick, Esquire**

Defendant's Attorney

THE DEFENDANT:

- ☒ pleaded guilty to count(s) 1
- ☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.
- ☐ was found guilty on count(s) _____
after a plea of not guilty.

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 U.S.C. § 841 (a)(1), (b)(1)(A)	Knowingly and intentionally possess with intent to distribute over 50 grams of cocaine base	08/12/1997	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) _____
- ☒ Count(s) 2 _____ is dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: _____

Defendant's USM No.: **04508-070**

Defendant's Residence Address:

3 Walton Street

Apt. #3

Dorchester MA 02124

Defendant's Mailing Address:

3 Walton Street

Apt. #3

Dorchester MA 02124

06/01/1998

Date of Imposition of Judgment

Ernest C. Torres

Signature of Judicial Officer

ERNEST C. TORRES**U.S. DISTRICT JUDGE**

Name & Title of Judicial Officer

6/10/98

Date

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